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Air Pollution Regulations in State Implementation Plans California, Yuba County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Yuba County

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Air Pollution Regulations in State Implementation Plans:

California

Yuba County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-47

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

YUBA COUNTY (APCD)

Submittal	Approval	Description
6/30/72	9/22/72	All Regs. unless otherwise noted
7/25/73	8/22/72	Rules 1.1, 2.1-2.2, 2.10, 4.11, Agricultural Burning Regs. Sec. 1-6
1/10/75	5/11/77	Agricultural Burning Regs. Sec 1 (O-R) Sec. 3E, 3H
7/22/75	5/11/77	Rule 1.1
2/10/76	5/11/77	Agricultural Burning Regs. Sec. 1 (S-T), Sec. 3 (E-P)

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STATE AIR POLLUTION REGULATIONS

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REGULATION I. GENERAL PROVISIONS

(2.0) RULE 1 TITLE

These Rules and Regulations shall be known as the Rules and Regulations of the Yuba County Air Pollution Control District.

(1.0) RULE 1.1 DEFINITIONS

Except as otherwise specifically provided in these Rules and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, (Section 24198, et seq.), of the Health and Safety Code.

A. Air Pollution Control Officer. The air pollution control officer of the Yuba County Air Pollution Control District or a duly authorized member of his staff.

B. Agricultural Operations. The growing and harvesting of crops, including timber, or the raising of fowl , animals or bees, for the primary purpose of earning a living.

C. Air Contaminant. Includes smoke, dust, charred paper, soot, grime, carbon, acids, fumes, gases, odors, or particulate matter, or any combination thereof.

D. Alteration. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.

E. Atmosphere. The air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.

F. Board. The Air Pollution Control Board of the Air Pollution Control District of Yuba County.

G. Combustible or Flammable Solid Waste. Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass or dead animals, or any other combustible or flammable refuse matter which is in solid form.

H. Combustion Contaminant. Air contaminants discharged into the atmosphere from the burning of any material.

I. Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, be generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

J. Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

K. Emission. The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

L. Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

M. Flue. Means any duct or passage for air, gases, or the like, such as a stack or chimney.

N. Health and Safety Code. Health and Safety Code (H & S Code) means the Health and Safety Code of the State of California.

O. Hearing Board. The appellate review board of the Yuba County Air Pollution Control District as provided for in the Health and Safety Code of the State of California.

P. Hearing Board Clerk. The county clerk of the County of Yuba is the ex-officio clerk of the hearing board.

Q. Incineration. An operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.

R. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

S. Multiple-Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

T. Open Fires. i.e., Open Burning. Any combustion of solid waste outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue.

U. Operation. Any physical action resulting in a change in the location from or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

V. Orchard or Citrus Heater. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

W. Owner. Includes, but is not limited to, any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

X. Particulate Matter. Discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.

Y. Person or Persons. An individual, public or private corporation, political subdivision, agency, board, department or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

Z. Permissive Burn Day. As used in these Regulations, Permissive Burn Day Means any day which the California Air Resources Board has declared to be a permissive burn day.

AA. PPM. Parts per million by volume expressed on a dry gas basis.

BB. Process Weight Per Hour. The total weight of all feed material, including contained moisture, but excluding water added for processing or air used in processing introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

CC. Section. Refers to a section of the Health and Safety Code of the State of California, unless some other statute is specifically mentioned.

DD. Solid Waste Dump. Any accumulation for the purpose of disposal of any solid waste.

EE. Source Operation. Means the last operation preceding the emission of an air contaminant which operation:

1) Results in the separation of the air contaminant from the process material into air contaminants as in the case of combustion of fuel, and

2) Is not an air pollution abatement operation.

FF. Standard Conditions. As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

GG. Standard Cubic Foot of Gas. The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

(2.0) RULE 1.2 VALIDITY

If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations, if for any reason, is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions sentence, clauses, or phrases be declared unconstitutional or invalid.

(2.0) RULE 1.3 EFFECTIVE DATE

These Rules and Regulations shall take effect on _____19__

REGULATION II. PROHIBITIONS

(50.1.2) RULE 2. VISIBLE EMISSIONS

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a) As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines, or

b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection a) above.

(2.0) RULE 2.1 EXCEPTIONS TO RULE 2

The provisions of Rule 2 do not apply to:

a) Smoke from fires set by or permitted by any public officer or health officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

   1) For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or

   2) For the instruction of public employees in the methods of fighting fires.

b) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c) Agricultural operations in the growing of crops, or raising of fowl , animals, or bees.

d) The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceaus matter at a rate in excess of one (1) gram per minute.

e) The use of other equipment in agricultural operations in growing of crops, or raising of fowl or animals.

f) Smoke from fires set pursuant to an Open Burning Permit issued by the Air Pollution Control Officer.

g) Smoke from fires set for the improvement of watershed, range, or pasture.

h) As provided in the Health and Safety Code (Sec. 39297.2), nothing in these Rules and Regulations shall be construed to prohibit burning for the disposal of combustible or flammable solid waste of a single or two family dwelling on its premises.

f) As provided in Health and Safety code (Sec. 29297.3), nothing in these Rules and Regulations shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

(12.0) RULE 2.2 EMISSION CONTROL FOR USED MOTOR VEHICLES

Each 1955 through 1962 model year used car in the District shall be required to be equipped with an approved crankcase emission control device at the time of transfer of ownership.

(2.0) RULE 2.3

The Air Pollution Control Officer is empowered to issue permits for open burning.

(51.13) RULE 2.4 OPEN FIRES

No person shall, after December 31, 1971, use open fires for the purpose of disposel of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

(2.0) RULE 2.5 EXCEPTIONS TO RULE 2.4

Nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

a) To any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

1) for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

2) the instruction of public employees in the methods of fighting fire, or

3) set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires, or

4) set pursuant to a limited time extension granted by the State Air Resources Board to the County of Yuba for the use of open fires for the purpose of solid waste disposal at a County-operated dumpsite.

b) To set or cause to be set, backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

c) To abate fires pursuant to Chapter 2 (commencing with Sec. 13025) of Part 1 of Division 12 of the California Health and Safety Code.

d) AS PROVIDED IN SEC. 39297.2 OF THE HEALTH AND SAFETY CODE, nothing in these Rules and Regulations shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises.

e) AS PROVIDED IN SEC. 39297.3 OF THE HEALTH AND SAFETY CODE, nothing in these Rules and Regulations shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

(2.0) RULE 2.6

It shall be unlawful to use an open fire for right-of-way clearing by a public entity or utility or for levee or ditch maintenance or for the disposal of combustible or flammable solid waste from a single or two-family dwelling on its premises except on a day officially designated as a "Permissive Burn Day."

(2.0) RULE 2.7

Nothing in Rule 2.4 d), e), shall be construed to permit the burning of tires, petroleum waste or tar paper.

(51.13) RULE 2.8 BURNING HOURS

The burning of refuse, as provided in Rule 2.1 i), j), and Rule 2.5 d), e), shall be done only between the hours of 9:00 A.M., and 3:00 P.M., except that such burning within areas under the jurisdiction of the California State Division of Forestry or the United States Forest Service shall be done in accordance with the regulations or orders of the above agencies relative to burning hours, permissive burn days or any other fire control requirements.

(50.7) RULE 2.9 NUISANCE

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) RULE 2.10 EXCEPTIONS TO RULE 2.9

The provisions of Rule 2.9 do not apply to:

a) Agricultural operations and associated odors necessary for the growing of crops or raising of fowl or animals.

b) Fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire, in the opinion of such officer, is necessary:

   1) for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

   2) for the instruction of public employees in the methods of fighting fires, or

   3) for the improvement of watershed, range, or pasture.

c) Fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(15.0) RULE 2.11 PENALTIES

Any violation of the provisions of these Regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

a) Any violation of any provisions of these Regulations or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(15.0) RULE 2.12 ARREST, NOTICE TO APPEAR

The Air Pollution Control Officer is hereby authorized pursuant to Penal Code Section 836.5 to arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence, which is a violation of these Rules and Regulations.

a) In any case in which a person is arrested pursuant to the above-noted paragraph of this rule and the person arrested does not demand to be taken before a magistrate, the Air Pollution Control Officer making the arrest shall prepare written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C, Title 3, Part 2, of the Penal Code (commencing with Sec. 853.6). The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

(51.16) RULE 2.13 STORAGE OF PETROLEUM PRODUCTS

a) Any person who, after December 31, 1970, loads or permits the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such a tank is a pressure tank as described in Rule 2.14, or is equipped with a vapor recovery system as described in Rule 2.15, or with a floating roof as described in Rule 2.16 or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the air pollution control officer is whose district the equipment is located, or, where no such district exists, by the State Air Resources Board, is guilty of a misdemeanor.

b) Any person who installs any gasoline tank with a capacity of 250 gallons or more which does not meet the requirements of subdivision a), is guilty of a misdemeanor.

c) Subdivisions, a) and b) shall not apply to any stationary tank installed prior to December 31, 1970.

d) For the purpose of this Rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.

e) For the purpose of this Rule, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

f) Subdivisions a) and b) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry,as such vehicles are defined in Division 16 (commencing with Sec. 36000) of Vehicle Code.

(2.0) RULE 2.14

A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

(2.0) RULE 2.15

A "vapor recovery system" consists of vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(2.0) RULE 2.16

A "floating roof" consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this Rule shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank-gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(51.1) RULE 2.17 ORCHARD AND CITRUS HEATERS

No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the Air Resources Board.

No person shall use any orchard or citrus heater after January 1, 1975 unless it has been approved by the Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(50.1) RULE 2.18 PARTICULATE MATTER CONCENTRATION

A person shall not discharge into the atmosphere from any source, particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditons.

When the source involves a combustion process, the concentration must be calculated to 12 percent carbon dioxide (CO_2). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(50.6) RULE 2.19 DUST AND FUMES

A person shall not discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amounts shown in the following table: (See page 13).

To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour.

As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 4 hours to complete, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs., by 4 giving a process weight per hour of 600 lbs. The table shows that "A" may not discharge more than 1.83 lbs. in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40$$

E = rate of emission in pounds/hours.

P = process weight rate in tons/hour.

(2.0) RULE 2.20 CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California.

(2.0) RULE 2.21 SEPARATION OF EMISSIONS

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point; the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission

points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb. Hr.	Tons Hr.	Lb. Hr.	Lb. Hr.	Tons Hr.	Lb. Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	41.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.70	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.38	140,000	70.	47.8
6,000	3.00	8.56	180,000	80.	29.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

(2.0) RULE 2.22 COMBINATION OF EMISSIONS

a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each source operation, then all of the applicable prohibitions shall apply to each such source operation separately.

b) If air contaminants from two or more source operations are combined prior to emission, and the combined emission cannot be separated according to the requirements of subparagraph a), of the Prohibition, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

(51.21) RULE 2.23 REDUCTION OF ANIMAL MATTER

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a) incinerated at temperatures of not less than 1200 degree Fahrenheit for a period of not less than 0.3 second; or

b) processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Permit to Construct or to Operate or as specified in the Permit to Construct or to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this Prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(50.2) RULE 2.24 SULFUR OXIDES. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 percent by volume (2000 ppm) collectively calculated as sulfur dioxide (SO_2).

(50.4) RULE 2.25 ORGANIC SOLVENTS.

a) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.

b) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in a), for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in k), or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 40 pounds in any one day.

c) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in a), or b), involving any photochemically reactive solvent, as defined in k), or material containing such solvent, shall be subject to compliance with b). Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in a), said portions shall be collectively subject to compliance with a).

d) Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvents, as defined in k), of any article, machine, equipment or other

contrivance described in a), b), or c), shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this prohibition.

e) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying or products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in a), b), or c), shall be included with other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this prohibition.

f) Emissions of organic materials into the atmosphere required to be controlled by a), b), or c), shall be reduced by:

1) incineration, provided that 90 percent or more of the carbon in the organic materials being incinerated is oxidized to carbon dioxide, or

(2) adsorption, or

(3) processing in a manner determined by the Air Pollution Control Officer to be not less effective than 1) or 2), above.

g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this prohibition shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or the Permit to Operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

h) Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

i) The provisions of this prohibition shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by Prohibitions Rule 2.13, or which are exempt from air pollution control requirements by said Prohibitions.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

j. For the purposes of this prohibition, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

k. For the purposes of this prohibition, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent.

1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent,

3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

For the purpose of this prohibition, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

REGULATION III. PERMIT SYSTEM AND REGISTRATION

(2.0) RULE 3. GENERAL REQUIREMENTS

No person shall cause or permit the construction or modification of any new source without first obtaining an authority to construct or modify from the Air Pollution Control Officer as to the location and design of such new source to comply with applicable rules and regulations and ambient air quality standards.

a) The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all applicable state and local regulations.

(3.0) RULE 3.1 PERMITS REQUIRED

a) Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

b) Permit to Operate. Before any article, machine, equipment or other contrivance described in subsection a) above, may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No Permit to Operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in subsection a) above, constructed or installed without authorization as required by subsection a) above, until the information required pursuant to these Rules and Regulations is presented to the Air Pollution Control Officer and such article, machine, equipment or other contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in these Rules and Regulations.

(3.0) RULE 3.2 REGISTRATION REQUIRED (Existing Operations)

Effective January 1, 1973, it is required that all existing equipment, contrivances or places of business that have burning or send emissions into the atmosphere, be registered with the Air Pollution Control Officer. Such registration shall be made on forms provided by the Air Pollution Control District.

(3.0) RULE 3.3 EXEMPTIONS FROM PERMIT AND REGISTRATION (New and Existing Operations).

An Authorization to Construct or Permit to Operate or registration, shall not be required for:

a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules And Regulations.

b) Vehicles used to transport passengers or freight.

c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.

d) The following equipment:

1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3) Piston-type internal combustion engines.

4) Water-cooling towers and water-cooling ponds not used for evaporative cooling or process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

5) Equipment used exclusively for steam cleaning.

6) Presses used exclusively for extruding metals, minerals plastics or wood.

7) Residential incinerators when used for burning of paper or leaves.

e) Space heaters.

f) Equipment used in eating establishments for the purpose of preparing food for human consumption.

g) Steam-heated by natural gas or LPG, or both.

h) Self-propelled mobile construction equipment other than pavement burners.

i) Other sources of minor significance specified by the Air Pollution Control Officer.

j) Agricultural implements used in agricultural operations.

(3.0) RULE 3.4 STANDARDS FOR GRANTING APPLICATIONS FOR PERMITS

a) The Air Pollution Control Officer shall deny Authorization to Construct, or Permit to Operate except as provided in the "Exemptions" above, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted, air contaminants in violation of all applicable state and local regulations.

b) No Authority to Construct or modify shall be granted unless the applicant shows to the satisfaction of the Air Pollution Control Officer that the new source, as designed or modified, does not endanger maintenance or attainment of any applicable ambient air quality standard.

c) Before Authorization to Construct or Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authorization to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

d) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for

Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

e) The fact that an Authorization to Construct or modify or a Permit to Operate an article, machine equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

(2.0) RULE 3.5 CONDITIONAL APPROVAL

The Air Pollution Control Officer may issue an Authorization to Construct or a Permit to Operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the permit standards in which case the conditions shall be specified in writing. Commencing work under such an Authorization to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authorization to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine equipment or other contrivance can operate within the permit standards under the revised conditions.

(3.0) RULE 3.6 DENIAL OF APPLICATIONS

In the event of denial of Authorization to Construct, Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served. The Air Pollution Control Officer shall not accept further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authorization to Construct, the Permit to Operate or the Permit to sell or rent.

(2.0) RULE 3.7 FURTHER INFORMATION

Before acting on an application for Authorization to Construct, or Permit to Operate, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) RULE 3.8 ACTION ON APPLICATIONS

The application may, at his option, deem the Authority to Construct or Permit to Operate, denied if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing, or within thirty (30) days after applicant furnishes the further information, plans and specification requested by the Air Pollution Control Officer, whichever is later.

(2.0) RULE 3.9 APPEALS

Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization to Construct or Permit to Operate, the applicant may petition the Hearing Board in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

REGULATION IV. ENFORCEMENT PROCEDURE

(15.0) RULE 4. ENFORCEMENT

In the Rules and Regulations of the Yuba County Air Pollution Control District and all State Statutes concerning air pollution controls shall be enforced by the Air Pollution Control Officer and any other officer as authorized by the State and/or local law.

(9.0) RULE 4.1 EMISSION MONITORING

The Air Pollution Control Officer may require the owner or operator of any air contaminant source to install, use and maintain monitoring equipment; sample emissions; establish and maintain records; and make periodic emission reports. All of these actions shall be accomplished in a manner approved by the Air Pollution Control Officer.

(13.0) RULE 4.2 RECORDS AND REPORTS

Air Pollution monitoring records and such fuel composition data as deemed necessary shall be recorded, compiled and submitted on forms furnished by the Air Pollution Control Officer.

(9.0) RULE 4.3 TESTS

All tests shall be made and the results calculated in accordance with test procedures approved by the Air Pollution Control Officer. All tests shall be made under the direction of persons qualified by training and/or experience in the field of air pollution control, and approved by the Air Pollution Control Officer.

a) The Air Pollution Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(9.0) RULE 4.4 FIELD INSPECTION

Each source of air pollution subject to permit or registration shall be inspected or tested at such intervals of time so that no extended periods of violations will occur.

(7.0) RULE 4.5 AIR POLLUTION EQUIPMENT - Scheduled Maintenance

In the case of shutdown or restart of air pollution equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the planned shut-down. Such prior notice shall include, but is not limited to the following:

a) Identification of the specific facility to be taken out of service as well as its location and permit number.

b) The expected length of time that the air pollution control equipment will be out of service.

c) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

d) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

e) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

f) During testing period moderate emission of air pollution will be allowed.

(7.0) RULE 4.6 EQUIPMENT BREAKDOWN

In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner which may cause the emission of air contaminants in violation of this article, the person responsible for such equipment shall immediately notify the Air Pollution Control Officer of such failure or breakdown and subsequently a written statement giving all pertinent facts, including the estimated duration of the breakdown. The Air Pollution Control Officer shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

(2.0) RULE 4.7 CIVIL ACTION

Any person violating Sections 24242, 24243, or 39430 of the Health and Safety Code or of any Rule or Regulation of the Yuba County Air Pollution Control District, may be liable for a civil penalty of up to $500.00 for each day that the violation occurs.

Such action may be taken in any court of competent jurisdiction in the name of the people of the State by the Attorney General, by any district attorney, or by the Yuba County Air Pollution Control District's counsel.

If the action is brought by the Attorney General on the behalf of the district, one-half of any penalty collected shall be paid to the State Treasurer, and the other half to the treasury of the Yuba County Air Pollution Control District. If action is brought by the Attorney General on behalf of the Air Resources Board, all penalties are to be paid to the State. Penalties resulting from action brought by local attorneys are to be paid directly to the Yuba County Air Pollution Control District.

Such civil action is to take precedence over all other civil matters on the court calendar, except those to which equal precedence is granted by law.

(2.0) RULE 4.8 INJUNCTIVE ACTION

The violation of any provisions of Division 20, Chapter 2, Article 3, of the Health and Safety Code, or any Rule, Regulation or order of the Yuba Country Air Pollution Control District may be enjoined in a civil action brought in the name of the people of the State. In bringing such action, the plaintiff need not show lack of adequate remedy of law or to show irreparable damage or loss.

(2.0) RULE 4.9 ORDER FOR ABATEMENT

The Board of Directors of the Yuba County Air Pollution Control District may issue, after notice (30 days) and a public hearing, an order for abatement when the Board finds that any person is in violation of the State air pollution nuisance or the visible emissions statutes, or of any rule or regulation of the district. Also, the Board of Directors of the Yuba County Air Pollution Control District may empower the District's hearing board to issue orders for abatement.

Intentional or negligent violation of any order for abatement issued by the Yuba County Air Pollution Control District, or by the Air Resources Board makes the violation liable for a civil penalty not to exceed $6,000.00 for each day that the violation occurs.

3.0) RULE 4.10 PERMIT ACTIONS

The Air Pollution Control Officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked.

The Air Pollution Control Office may also suspend a permit if a permittee fails to furnish all required information. He may then request that the hearing board hold a public hearing to determine whether the suspended permit should be reinstated, or he may reinstate the permit if in his opinion, good reason exists to do so. Within ten (10) days after the receipt of a Notice of Suspension, the permittee may file a demand with the hearing board for a public hearing to determine whether or not the permit was properly suspended.

The hearing board must hold a public hearing to consider permit matters within thirty (30) days after receiving a request for the hearing from either the Air Pollution Control Officer or the permittee. The board must notify all concerned persons of the date, time, and place of the hearing not less than ten (10) days before the hearing.

Regarding permit matters, the hearing board may:

a) Revoke an existing permit;

b) Find that no violation exists and reinstate a suspended permit;

c) Remove the suspension of a suspended permit pending the furnishing, by the permittee, of the required information; or

d) Continue the suspension of the permit.

(5.0) RULE 4.11 VARIANCE ACTION

Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by Article 3 (commencing with Section 24241) of Chapter 2 of the Health and Safety Code; Chapter 3.5 (commencing with Section 39077) of Part 1 of Division 26 of the Health and Safety Code, or by rules, regulations, or orders of the air pollution control board is necessary and will be permitted.

a) The hearing board shall allow interested members of the public a reasonable opportunity to testify with regards to the matter under consideration, and shall consider such testimony in making its determination.

The hearing board may grant a variance for any statute, rule, regulation or order other than for the maintenance of a nuisance. However, no variance may be granted for longer than one-year's duration. Any variance may be continued from year to year without another hearing upon the approval of the Air Pollution Control Officer.

The board shall submit an annual report by September 30 to the State Air Resources Board on the variances granted by the hearing board, including variances granted in cases of emergencies, during the period from July 1, to June 30 where the durations of the variances, including any extensions granted, are for more than one year. The report shall include the names of the parties to whom the variances were granted, the reasons for the durations of the variances, and whether the variances have been, or were previously, extended.

The hearing board may also revoke or modify a previously granted variance,

deny the granting of a variance, or determine that the source in question is not in violation thereby negating the need for a variance.

Any decisions of the hearing board of the Yuba County Air Pollution Control District are subject to judicial review. Accordingly, any agrieved person, including the Air Pollution Control District, may file a Writ of Mandate in accordance with the State Code of Civil Procedure within thirty (30) days after the date which the hearing board's decision was filed.

REGULATION V. PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 5. HEALTH & SAFETY CODE. ARTICLES AND SECTION APPLICABLE

Articles 4, 5 and 6; Sections 24260 through 24323.

(2.0) RULE 5.1 GENERAL

This Regulation shall apply to all hearings before the Hearing board of the Air Pollution Control District.

(16.0) RULE 5.2 HEARINGS

Requests for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board. The payment of a fee is as provided for in Rule 6. The Clerk shall serve a copy of the petition on the Air Pollution Control Officer, and one copy on the holder of the Authority to Construct Permit, or Permit to Operate or variance holder, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(16.0) RULE 5.3 CONTENTS OF PETITION FOR HEARING

Every petition shall state:

a) The name, address and telephone number of the petitioner or other person authorized to receive service of notices;

b) Whether the petitioner is an individual, co-partnership, corporation or other entity; names and addresses of the partners if a co-partnership; names and addresses of the officers if a corporation; and the names and addresses of the persons in control, if other entity;

c) The type of business or activity involved in the application, and the street address at which it is conducted;

d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application;

e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

   1) To determine whether a permit shall be revoked or a suspended permit reinstated under Section 24274;

   2) For a variance under Section 24292;

   3) To revoke or modify a variance under Section 24298;

4) To review the denial or conditional granting of an Authorization to Construct, or Permit to Operate, under Rules 3.4 and 3.5 of these Rules and Regulations.

f) Each petition shall be signed by the petitioner, or by some person on his behalf; and where the person signing is not the petitioner, it shall set forth his authority to sign.

g) Petitions for revocation of permits shall allege, in addition, the section under which permit was granted and the Rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

h) Petitions for reinstatement of suspended permits shall allege, in addition, the section under which the permit was granted; the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; and whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

(5.0) RULE 5.4 REQUEST FOR VARIANCES

In addition to the matters required by Rule 5.3, petitions for variances shall state briefly:

a) The section, rule or order complained of.

b) The facts showing why compliance with the section, rule or order is unreasonable.

c) For what period of time the variance is sought and why.

d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

g) Whether or not operations under such variance, if granted would constitute a nuisance.

h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i) Whether or not the subject equipment or process is covered by a Permit to Operate issued by the Air Pollution Control Officer.

(2.0) RULE 5.5 APPEAL FROM DENIAL

A petition to review a denial or conditional approval of an Authorization to Construct or Permit to Operate, shall, in addition to the matters required by Rule 5.3, set forth a summary of the application, or a copy thereof; the alleged reasons for the denial or conditional approval; and the reasons for appeal.

(2.0) RULE 5.6 FAILURE TO COMPLY WITH RULES

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 5.7 ANSWERS

Any person may file an answer within ten (10) days after service. All answers shall be served the same as petitions under Rule 5.2.

(16.0) RULE 5.8 DISMISSAL OF REQUEST FOR A HEARING

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 5.9 PLACE OF HEARING

All hearings shall be held at Marysville, the County seat, unless some other place is designated by the Hearing Board.

(16.0) RULE 5.10 NOTICE OF HEARING

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Section 24275, 24295, or 24299, Health and Safety Code.

(2.0) RULE 5.11 EVIDENCE

a) Oral evidence shall be taken only on oath or affirmation.

b) Each party shall have these rights: rights to counsel; to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify;and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 5.12 PRELIMINARY MATTERS

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments, and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) RULE 5.13 OFFICIAL NOTICE

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 5.14 CONTINUANCES

The Chairman or any two members of the Hearing Board shall grant any continuance of fifteen (15) days or less concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action, and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 5.15 DECISION

There must be two or more members of the Hearing Board present to make a decision. The decision shall be in writing, served and filed within fifteen (15) days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) RULE 5.16 EFFECTIVE DATE OF DECISION

The decision shall become effective fifteen (15) days after delivering or mailing a copy of the decision as provided in Rule 5.15 or the Hearing Board may order that the decision shall become effective sooner.

(3.0) RULE 5.17 LACK OF PERMIT

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a Permit to Operate has been granted or denied by the Air Pollution Control Officer. A variance granted by the Hearing Board, after a denial of a Permit to Operate by the Air Pollution Control Officer, may include a Permit to Operate for the duration of the variance.

(16.0) RULE 5.18 RECORD OF HEARING

All hearings before the Hearing Board will be recorded.

REGULATION VI. FEES

(16.0) RULE 6. HEARING BOARD FEES

Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an Authorization to Construct, or Permit to Operate, except any state or local government agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of twenty-five dollars ($25.00).

a) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

b) This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

(2.0) RULE 6.1 ANALYSIS FEES

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum, which said sum is not to exceed the actual cost of such work.

RULES AND REGULATIONS TO CONTROL AGRICULTURAL BURNING IN YUBA COUNTY

(1.0) Section 1. DEFINITIONS

A. Agricultural Burning. "Agricultural Burning" means open outdoor fires used in agricultural operations in the growing of crops; raising of fowl , animals, or bees; forest management burning; and the burning of wood wastes from property being developed for commercial or residential purposes.

B. Agricultural Wastes. "Agricultural Wastes" are defined as unwanted or unsaleable material produced wholly from agricultural operations which are directly related to growing of crops, fowl , animals or bees for the primary purpose of making a profit or a livelihood. This would also include grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation, and materials not produced wholly from such operations but which are intimately related to the growing or harvesting of crops, and which are used in the fields. Example: empty fertilizer and pesticide sacks, bags or cartons.

C. A "No-Burn Day". A "No-Burn Day" means any day on which the California Air Resources Board or the District prohibits agricultural burning.

D. A "Burn Day". A "Burn Day" means any day on which the California Air Resources Board and the District do not prohibit agricultural burning.

E. Designated Agencies. "Designated Agency" means the public fire protection or other equivalent agency designated by the California Air Resource Board to issue permits for agricultural burning.

F. Person. "Person" means any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner, state or local governmental agency or public district, or any officer or employee thereof.

G. Board. "Board" means the Air Pollution Control Board of the Yuba County Air Pollution Control District.

H. District. "District" means Yuba County Air Pollution Control District.

I. Silviculture. "Silviculture" means the establishment, development, care, and reproduction of stands of timber.

J. Forest Management Burning. "Forest Management Burning" means the use of open fires as part of a forest management practice to remove forest debris and includes:

1. Forest management practices, including hazard reduction.

2. Timber operations.

3. Silviculture and forest protection practices.

K. Range Improvement Burning. "Range Improvement Burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previous uncultivated land.

L. Timber Operations. "Timber Operations" means cutting or removal of timber or other forest vegetation.

M. Brush Treated. "Brush Treated" means that the material to be burned hasbeen felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicide.

N. Approved Ignition Devices. "Approved Ignition Devices" include those instruments or materials that will ignite open fires for agricultural burning without the production of black smoke by the ignition device.

O. Rice Straw dryness test procedure. A representative rice straw sample is bent sharply at a minimum of a 90° angle. If the straw sample makes an audible crackling sound, it is considered dry enough for burning.

P. Representative rice straw testing sample. A composite sample of rice straw from under the mat and from the center of the mat. The samples are to be taken from various parts of the field.

Q. Spread rice straw. Rice straw spread by means of a mechanical straw spreader attached to the discharge of the harvester that will insure even distribution of straw.

R. Rowed rice straw. Rice straw passing directly through the harvester discharge without being spread.

S. Backfiring. "Backfiring" means igniting the field in a manner so that all fire lines are burning directly into the wind.

T. Strip Firing. "Strip Firing" means a technique of igniting a field to be burned by having fire lines burning either directly or obliquely into the wind. This is accomplished by using the backfiring technique

plus lighting strips at least 100 feet apart and running in a straight line into the wind.

(3.0) Section 2. PERMITS

A. Permit to Burn. No person shall knowingly set or permit an open outdoor fire for the purpose of agricultural burning or the burning of agricultural waste unless he has a valid Permit to Burn issued by a designated agency.

B. Applications. Requests for a Permit to Burn shall be initiated by filing an application with the designated agency and shall provide information required by the designated agency for fire protection purposes and shall provide the information required to determine whether or not the proposed fire will be in violation of the provisions of Sections 39298 and 39298.1 of the Health and Safety Code and, these Rules and Regulations. If the application is for authorizations to burn on a "no-burn day", it must include an estimate of the amount of wastes proposed to be burned and the reason wny denial of the permit will threaten imminent and substantial loss. Permits for burning on a "no-burn day" are to be issued by the Air Pollution Control Officer only.

C. Forms. The Air Pollution Control Office and the designated agencies shall jointly prepare forms of Applications and Permit to Burn in accordance with these Rules and Regulations.

D. Standards for Granting Permits. The designated agency shall grant the Permit to Burn if the applicant shows that the proposed fire will not violate these Rules and Regulations or Sections 39298 and 39298.1 of the Health and Safety Code; however, if the application is for Authorization to Burn on a No-Burn Day, the designated agency shall grant the permit if he finds that denial of the permit would threaten imminent and substantial economic loss.

E. Permits, Daily Limits. Before granting a Permit to Burn, the designated agency shall contact the Air Pollution Control Officer and determine whether permits have been authorized as allowed by the daily limit on agricultural burning. If the daily limit is not exceeded thereby, the designated agency shall grant the permit and report the number of acres of stubble or other agricultural burning for which the permit is granted, to the Air Pollution Control Officer.

F. Fire Permit Agencies. The Air Pollution Control Officer is empowered to grant permits for agricultural burning. The following Yuba County Fire Prevention Agencies and their officials have been designated to grant such permits also:

1. Marysville Fire Department

2. Linda Fire Department

3. Olivehurst Fire Department

4. Plumas Brophy Fire Department

5. California State Division of Forestry

G. Prior to burning, notice of intent shall be given by the permittee to the fire control agency having jurisdiction over the site of the proposed burn.

H. Permits for the burning of wood wastes from property being developed for commercial or residential purposes must be issued by the Air Pollution Control Officer only.

743-4441 YUBA COUNTY AIR POLLUTION CONTROL DISTRICT by:_____
1420 Eye Street, Marysville, California 95901
743-6908

Permit No.:_____ This Permit expires on:_____

NAME:_____ DATE:_____

ADDRESS:_____ PHONE:_____

LOCATION OF BURN SITE:_____

_____ T___N, R___E, Sec._____

DISTANCE TO NEAREST RESIDENTIAL AREA:_____

TYPE OF MATERIAL:_____

AMOUNT OF MATERIAL:_____

REASON FOR BURNING:_____

Any person who violates the Provisions of these Rules and Regulations is guilty of a misdemeanor and is punishable by imprisonment in the County jail not exceeding six months, or by fine not exceeding five hundred ($500.), or both, and the cost of putting out the fire.

The above statements are true to the best of my knowledge. I understand that permission to burn agricultural waste does not excuse the permittee from liability in the event the fire creates a nuisance or hazard.

Signature:_____ Title:_____

CONDITIONS

1. This Permit is valid only on "Burn Days" as designated by the State Air Resources Board.
2. All operations shall comply with applicable local, County and State Regulations. The Air Pollution Control Office or your local fire agency shall be notified prior to each burn.
3. This Permit is valid only on land owned or legally controlled by permittee, and shall be available for inspection at the burn site.
4. The burn shall be attended by_____able-bodied person(s).
5. The waste shall be arranged to facilitate efficient burning and shall be free of other waste such as tires, rubbish, tar paper or construction debris.
6. The waste shall be dried as required; shall be free of visible moisture; and, ignited only with approved devices. (Refer to reverse side.)
7. This Permit may be revoked or suspended for violation of any conditions of said Permit or when it is necessary for public safety. The permittee shall take the following additional precautions:_____

_____

_____

ATTENTION PERMITTEE!

The following information is called to your attention and is defined by law pertaining to agricultural burning.

It is required by law that fire by used in such a manner as to minimize the possibility of damage to others.

BURNING TIME

1. No fires shall be ignited before 9:00 a.m., or after 3:00 p.m.
2. No material shall be added to an existing fire after 3:00 p.m., P.S.T.
3. Time interval between storage and burning, to provide adequate drying, shall be at least the following or equivalent as outlined in Agricultural Burning Regulations.
   a. Rice straw and stubble - - - 3 days.
   b. Dry cereals - - - - - - - - - 0 days.
   c. Trees, stumps and large branches greater than 6 inches in diameter - 30 days
   d. Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable crops and seed screenings to assure rapid and complete combustion with a minimum of smoke.
   e. Check Rules and Regulations for the requirements pertaining to Range Improvement burning, Forest Manangement burning, or for the burning of wood wastes from property being developed for commercial or residential purposes.

APPROVED IGNITION DEVICES

To assist in the ignition of agricultural waste fires, ignition devices should be limited to butane, propane or LPG pressure fuel devices.

Fires, tar paper and demolition materials and similar materials shall not be considered acceptable fuels for ignition devices. The intent of this Provision is to prohibit the use of any material which, when burned will produce a black smoke.

ADDITIONAL PROVISIONS

PERMITTEE MUST NOT BURN WHEN SUCH BURNING IS PROHIBITED BY THE DESIGNATED FIRE CONTROL AGENCY.

NON-RESPONSIBILITY CLAUSE

The issuance of this Permit shall not be construed as imposing on the designated issuing agency, any official, or any employee thereof, any responsibility whatsoever for damages incurred by the use of the Permit.

Burning of agrucultural wastes above 3,000 feet mean sea level is exempt from the provisions of Agricultural burning Rules and Regulations.

It is the permittee's responsibility to meet the foregoing requirements.

PENALTY CLAUSE

Any person who violates the provisions of these Rules and Regulations is guilty of a midemeanor which is punishable by imprisonment in the County jail not exceeding six (6) months, or by fine not exceeding five-hundred dollars ($500.), or both, and the cost of putting out the fire.

INSTRUCTIONS TO DESIGNATED PERMIT-ISSUING AGENCIES

The Agricultural Burning Permit shall be prepared in triplicate to provide information to the various agencies of concern. The copies of each permit shall be distributed accordingly:

1. Original: To the Air Pollution Control Officer
2. Duplicate: To the designated Fire Protection Agency
3. Triplicate: To the Permittee

The Permittee shall have his copy available for inspection at the burn site. This procedure will minimize any charges of burning without a valid permit.

The original of this permit, which is for the Air Pollution Control Office, shall be submitted by the designated issuing agency on a weekly basis.

In order to provide for proper control of agricultural burning, a separate Permit shall be obtained for each burning operation as well as for each different burn site. A burning operation may extend over several days, but it must be the same type of material and on the same burn site.

The Permit shall be issued for the length of time necessary to complete the burning operations. The Permittee shall contact the Air Pollution Control Office or the designated local fire protection agency prior to each day's burn to determine if it is an authorized burn day as well as to inform the respective agency that they are about to burn.

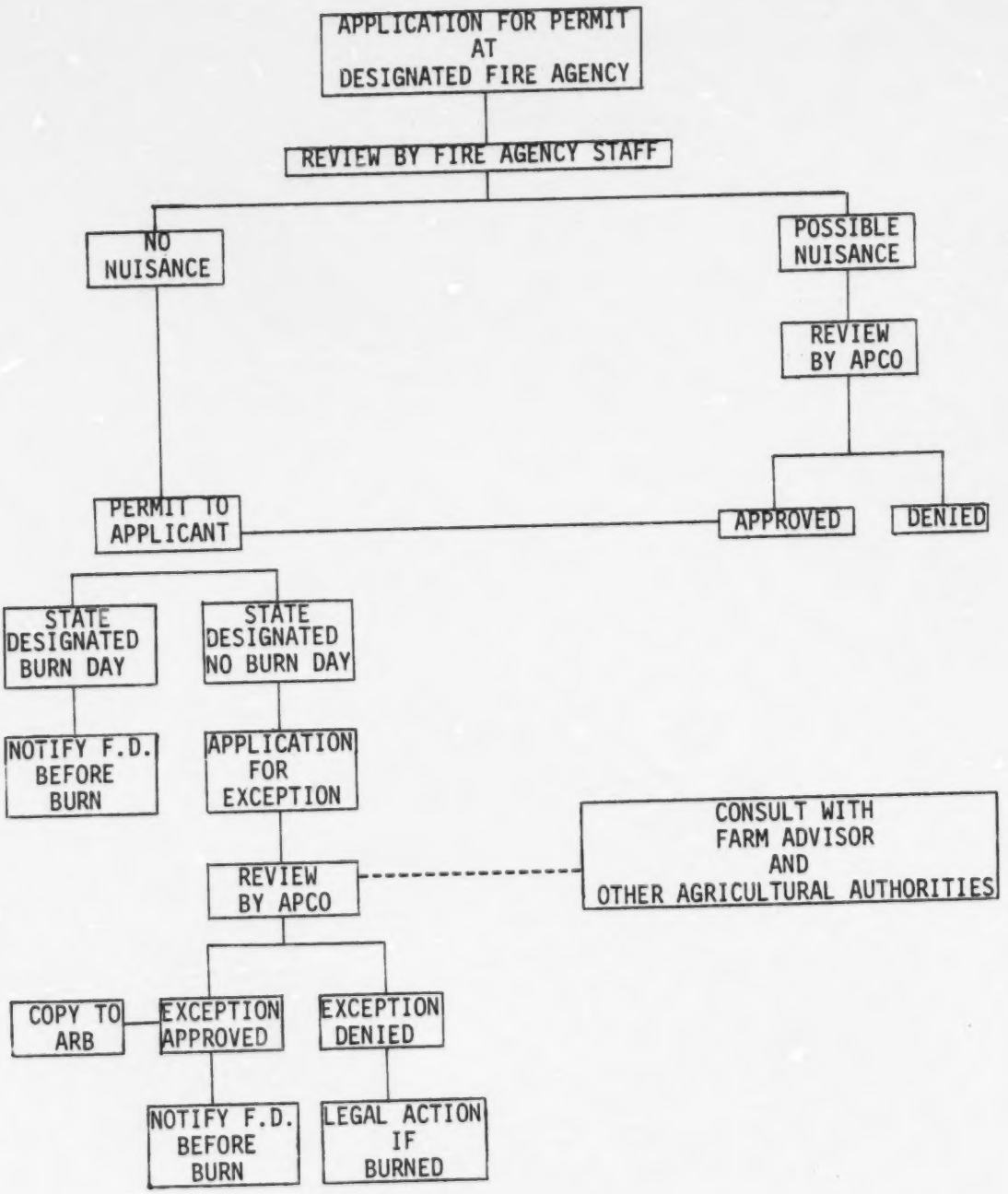
The Agricultural Burning Permit form is quite comprehensive and contains information required by the Air Pollution Control District and the designated Fire Control Agencies. There is also information concerning the Rules and Regulations governing agricultural burning and conditions under which the Permit is issued. Before any permit is issued it must be completed and signed by the applicant.

The application for an Agricultural Burning Permit shall be reviewed by the issuing agency. The burn is likely to cause a nuisance, the Permit shall not be issued until approval is obtained from the Air Pollution Control Office. A nuisance might be caused if the location of the burn site and the direction of the prevailing winds would direct the air contaminants toward an adjacent residential area.

Each control district shall adopt a rule making it illegal to burn or to permit a burn without a valid Permit. The rule should read: No person shall knowingly set or permit an open fire for agricultural burning unless he has a valid permit from a fire protection agency as designated by the Board.

The penalty for this act shall be adopted into the local Air Pollution Control District Rules and Regulations. It should read as follows: Any person who violates the provisions of the Agricultural Burning Rules and Regulations is guilty of a misdemanor which is punishable by imprisonment in the County jail not exceeding six months, or by fine not exceeding five hundred dollars ($500.), or both, and the cost of putting out the fire.

AGRICULTURAL WASTE BURNING PERMIT
FLOW CHART



(2.0) Section 3. PROHIBITIONS

A. No-Burn Days. Except as otherwise authorized by permit under this Regulation, no person shall knowingly set or permit an open outdoor fire for agricultural burning or for the burning of agricultural waste on a "no-burn day".

B. Other Wastes. No person shall knowingly set or permit an open outdoor fire to burn agricultural wastes that are not free of other wastes such as tires, rubbish, tar paper, or construction debris.

C. Minimum of Smoke. No person shall knowingly set or permit an open outdoor fire for agricultural burning that is not arranged so that it will burn with a minimum of smoke.

D. Dirt, Soil and Visible Surface Moisture. No person shall knowingly set or permit an open out-door fire for agricultural burning that is not reasonably free of dirt, soil and visible surface moisture.

E. Minimum Drying Period. No person shall knowingly set or permit to be set, an open outdoor fire for agricultural burning or for the purpose of burning agricultural waste that has not been dried for the minimum drying period(s) between cutting and burning as follows:

1. Rice Stubble and Straw Burning

a) All rice harvesters shall employ a mechanical straw spreader to insure even distribution of the straw with the exception of rice straw which may be left in rows provided it meets drying time criteria or dryness test prior to a burn as described in c) and d) of this provision.

b) No spread rice straw shall be burned prior to a three (3) day drying time after cutting.

c) No rowed rice straw shall be burned prior to a ten (10) day drying period after cutting.

d) Subsections b) and c) above do not apply if the rice straw meets the rice straw dryness test just prior to burning.

e) After a rain exceeding fifteen hundredths (.15) of an inch, the rice straw shall not be burned until it meets the rice straw dryness test just prior to burning.

2. Representative Rice Straw Testing Sample

When checking the field for moisture, a composite sample of straw from under the mat, in the center of the mat and from under the mat, in the center of the mat and from different areas of the field shall be taken to insure a representative sample. A hand full of straw from each area will give a good indication.

3. Rice Straw Dryness Test Procedure

A representative rice straw sample is bent sharply at a minimum of a 90 degree angle, if the straw sample makes an audible cracking sound, it is considered dry enough for burning.

4. A minimum of thirty (30) days for trees, stumps, and large branches greater than six (6) inches in diameter.

5. Sufficient time for other agricultural waste such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

6. The Air Pollution Control Officer may, by order, authorize burning of agricultural waste in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

7. Range improvement burning and the burning of wood wastes from property being developed for commercial or residential purposes must be "brushtreated" at least six (6) months prior to burning if economically and technically feasible. Unwanted trees must be felled and dried for six (6) months.

8. Waste from forest management burning must be dried for the specified period of time that is required by the designated agency.

F. Rice stubble and straw burning. No rice stubble or straw shall be burned unless the burning is done by the backfiring or strip methods.

G. Total Daily Burning

Agriculture waste burning shall be limited to not more than 10% of the total acreage of any one crop within the district on any one burn day. Except that during critical ventilating period from October 1 through November 15 of each year the agricultural waste burning shall be limited to not more than 5% of the total acreage of any one crop within the district on any one burn day.

H. Restricted Burning Days

If, for any reason, it becomes likely that wastes from more than the allotted total acreage within a district of any agricultural crop will be burned on any one day, the Control Officer shall notify the local agencies designated in Section 2 PERMITS, subsection 'F' "Fire Permit Agencies" that a condition of restricted burning exists. On days of restricted burning, local agencies shall restrict the acreage of stubble or other wastes to be burned under permit to that acreage allocated to the agency by the Control Officer. The Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres in the geographic area covered by said agency.

I. Burning Hours

All agricultural burning must comply with the burning hours listed below except that burning within the areas under the jurisdiction of the California State Division of Forestry or the United States Forest Service shall be done in accordance with the regulations or orders of said agencies relative to burning hours, permissive burn days or any other fire control requirements.

a) Rice Straw Burning. No person shall knowingly ignite or permit to be ignited open outdoor fires for burning rice straw before 10:00 A.M., or after 5:00 P.M.

b) Other Agricultural Burning. No person shall knowingly ignite or permit to be ignited open outdoor fires for agricultural burning or burning of agricultural waste, except rice straw, before 9:00 A.M., or after 3:00 P.M.

J. Tires.

No person shall use or permit to be used, tires for the ignition of fires to burn agricultural wastes.

K. Fire Prevention

Nothing in these rules is intended to permit agricultural burning or burning of agricultural wastes on days when such burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

L. Igniting Devices

All agricultural burning and burning of agricultural wastes should be ignited by approved ignition devices and should be ignited as rapidly as practicable with applicable fire control restrictions.

M. Wind Direction

Forest management burning, range improvement burning and the burning of wood wastes from property being developed for commercial or residential purposes shall be limited to days on which the wind direction is away from a populated area, unless a variance is obtained from the district air pollution control officer. All of this burning shall be done as rapidly as practicable within applicable fire control restrictions.

N. Range Improvement

Range improvement burning must comply with Items (A) through (L) of this Section. If the burn is to be done primarily for improvement of land for wildlife and game habitat, it is required that a statement from the Department of Fish and Game certifying that the burn is desirable and proper, be filed with the district.

O. Forest Management

Forest managment burning must comply with Items (A) through (L) of this Section and, in addition, the waste to be burned must be windrowed or piled where feasible unless good silvicultural practices dictate otherwise.

P. Wood Waste from Land Clearing

The burning of wood waste from property being developed for commercial or residential purposes shall be burned on the property where grown, shall be free of material that was not grown on the property, and shall comply with Items (A) through (L) of this Section. In addition, there must be on file with the district a statement from the governing body of the district that it has made the finding that it is more desirable to the public health to burn the wastes than to dispose of the wastes by other means. Under no circumstances will this type of burning be allowed on a "no-burn day".

The provisions that provide for the burning of wood wastes from property being developed for commercial or residential purposes expire January 1, 1977.

(2.0) Section 4 Exceptions

A. The Air Pollution Control Officer may by permit, authorize agricultural burning on days designated by the California Air Resources Board as "no-burn day's", if it is determined that the denial of such permit would threaten imminent and substantial economic loss. This does not apply to the burning of wood wastes from property being developed for commercial or residential purposes.

B. The burning of agricultural waste is exempt from the provisions of Section 2. PERMITS, Item A., if the burning is performed with L.P.B., or natural gas-fired burners designed and used to kill seedling grass and weeds in orchards and field crops and the growth is such that combustion will not continue without the burner.

C. Agricultural wastes which are located and produced above 3,000 feet mean sea level are exempt from these Rules and Regulations.

D. Agricultural wastes which are located and produced above 6,000 feet mean sea level are exempt from these Rules and Regulations.

E. It is permissible to burn empty sacks, bags or cartons which contained fertilizer, pesticides or other toxic materials on a "no-burn day" providing the sacks, bags or cartons are within the definition of open outdoor fires used in agricultural operations in the growing of crops or raising of fowl , animals or bees.

(15.0) Section 5. ENFORCEMENT

The Air Pollution Control Officer, the Deputy Air Pollution Control Officer, and their respective assistants and the fire protection agencies designated by the California Air Resources Board are empowered to enforce this ordinance. The control officers will serve to ensure that these Rules and Regulations are complied with and shall enforce State and local regulations regarding air pollution control.

(15.0) Section 6. PENALTIES

A violation of the provisions of these Rules and Regulations is a violation of Section 39299 of the California Health and Safety Code and is a misdemeanor punishable by imprisonment in the County jail not exceeding six months, or by a fine not exceeding $500.00 or both and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

Arrest, Notice to Appear

A. The Air Pollution Control Officer is hereby authorized pursuant to Penal Code Section 836.5 to, without a warrant, arrest a person whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of these Rules and Regulations.

B. Any case in which a person is arrested pursuant to Subdivison A., of this rule, and the person arrested does not demand to be taken before a magistrate, the Air Pollution Control Officer making the arrest shall prepare in duplicate, a written Notice to Appear and release the person on his promise to appear, as prescribed by Chapter 5C, Title 3, Part 2 of the Penal Code (commencing with Sec. 853.6). The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written Notice to Appear pursuant to this authority